

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution supporting
provisions of SB 816 and HB
1365 that require sports
franchises to operate homeless
shelters at sports facilities
receiving state funds

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

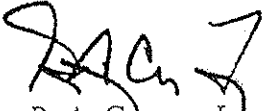


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(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A) (20)

Veto _____

2-7-12

Override _____

RESOLUTION NO. _____

RESOLUTION SUPPORTING PROVISIONS OF SB 816 AND HB 1365 THAT REQUIRE SPORTS FRANCHISES TO OPERATE HOMELESS SHELTERS AT SPORTS FACILITIES RECEIVING STATE FUNDS, WHILE OPPOSING PORTIONS OF SB 816 AND HB 1365 THAT REQUIRE COUNTIES TO PAY FINES AND REIMBURSE STATE FUNDS WHEN A SPORTS FRANCHISE FAILS TO OPERATE A HOMELESS SHELTER AT THE STATE-FUNDED SPORTS FACILITY, AND URGING THE LEGISLATURE TO REQUIRE SPORTS FRANCHISES TO DONATE TO LOCAL HOMELESS PROGRAMS OR CREATE A HOMELESS SHELTER AT ANOTHER FACILITY AS A PENALTY FOR NONCOMPLIANCE IN LIEU OF A FINE OR REIMBURSEMENT OF STATE FUNDS

WHEREAS, s. 288.1166, F.S. requires that professional sports facilities constructed with financial assistance from the state be designated as a shelter site for the homeless, except when the facility is otherwise contractually obligated for a specific event or activity; and

WHEREAS, a bill has been filed for consideration during the 2012 session of the Florida Legislature that would amend s. 288.1166, F.S., SB 816 by Senator Michael S. Bennett (R – Bradenton) and HB 1365 by Frank Artiles (R– Miami); and

WHEREAS, SB 816 and HB 1365 require the professional sports franchise that plays in the facility that benefitted from financial assistance from the state and the county in which the facility is located to document with the Auditor General by January 1, 2013 that a homeless shelter has been operating at the sports facility from the effective date of the contract between the county and the sports franchise; and

WHEREAS, SB 816 and HB 1365 provide that if the sports franchise and the county cannot demonstrate that a homeless shelter has been operating at the sports facility from the effective date of the contract until July 1, 2012, or that a shelter has only been operating for a portion of that time, then the sports franchise and the county shall refund all funds advanced by the state by December 31, 2012, less the sum representing any month in which the sports facility operated as a homeless shelter; and

WHEREAS, SB 816 and HB 1365 provide that if, after January 1, 2013, the Auditor General determines that a homeless shelter still is not operating at the sports facility, then the Auditor General shall fine the sports franchise and the county in which the sports facility is located an amount going forward equal to 150 percent of any financial assistance received each month from the state until the sports franchise and the county are operating a homeless shelter at the sports facility; and

WHEREAS, this Board seeks to eliminate homelessness in Miami-Dade County and supports the operation of homeless shelters at sports facilities receiving state funds; and

WHEREAS, requiring counties to reimburse state funds and pay fines associated with a sports franchise's failure to operate a homeless shelter at its state-funded sports facility will place an undue financial burden on counties; and

WHEREAS, permitting sports franchises to make donations to local homeless programs or create a homeless shelter at another facility as a penalty for noncompliance in lieu of fines and reimbursement of state funds is consistent with the goal of eliminating homelessness,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports provisions of SB 816 and HB 1365 that require sports franchises to operate homeless shelters at sports facilities receiving state funds.

Section 2. Opposes portions of SB 816 and HB 1365 that require counties to pay fines and reimburse state funds when a sports franchise fails to operate a homeless shelter at the state-funded sports facility.

Section 3. Urges the Legislature to require sports franchises to donate to local homeless programs or create a homeless shelter at another facility as a penalty for noncompliance in lieu of a fine or reimbursement of state funds.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Michael S. Bennett and Representative Frank Artiles.

Section 5. Directs the County's state lobbyists to advocate for the legislation set forth in Sections 1, 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 State Legislative Package to include this item.

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The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Joni A. Mosely

